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Roberta A. Winzeler

(Name)

Roberta A. Winzeler

(Signature)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Michael P. Remington Jr., et al.

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Serial No: 10/797,426

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Filed: March 10, 2004

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Title: METHOD FOR DEPOSITING
ALUMINUM OXIDE COATINGS ON
FLAT GLASS

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Attorney Docket No. 1-16280

July 1, 2004

MAIL STOP PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER §1.181

Honorable Sir:

This petition is in response to the Notice of Incomplete Nonprovisional Application dated May 27, 2004 relative to the above-captioned application. A copy of such Notice is attached.

The above-referenced Notice indicates that drawings referenced in the subject specification were not included as part of the application package, thus rendering the application incomplete and not entitled to assignment of a filing date.

Applicants hereby seek assignment of the filing date of the originally submitted application, namely March 10, 2004, as the inadvertently omitted drawings are not necessary for understanding the subject matter sought to be patented. The omitted drawings described only aspects of the well-known float glass process, and the equally well-known apparatus for chemical vapor deposition of gaseous precursor materials during such float glass process.

Accordingly, applicants hereby submit with this petition, a substitute specification in both clean versions and showing the changes made to delete references to drawings.

Applicants note in support of its petition the holding of In re Hacklander, 122 USPQ 278 (Comm'r) and the subject matter of MPEP §608.02, which indicate, in pertinent part, that drawings are required only when the application "admits" of drawings. Generally, method cases are deemed to be of such a nature that drawings are not necessary for completeness. All of the claims of the present application are method claims related to thin film deposition. Applicants are aware that many granted thin film deposition patents contain no drawings as they are not necessary to adequately describe the invention. Applicants respectfully submit that this premise is true for the subject application.

A check in the amount of \$130.00 is enclosed herewith. Any underpayment or overcharges should be charged/credited to Deposit Account 13-1816. If the subject petition is granted, applicants request that the petition fee be refunded by crediting same to the above-noted deposit account.

In view of the submission of the substitute specification, and for the reasons contained in this petition, applicants respectfully request that the amended specification now be considered, and the March 10, 2004 filing date be granted. A prompt action to these ends is courteously solicited.

Respectfully submitted,



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/797,426	03/10/2004	Michael P. Remington JR.	1-16280

001678
MARSHALL & MELHORN
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CONFIRMATION NO. 4403
FORMALITIES LETTER



OC000000012786719

Date Mailed: 05/26/2004

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below **and a newly executed oath or declaration covering the items must** be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)). Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

Mulheres et his
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE